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## BEFORE THE ARIZONA CORPORATION COMMISSION

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## COMMISSIONERS

SUSAN BITTER SMITH - Chairman  
BOB STUMP  
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Arizona Corporation Commission 2015 FEB 25 P 2:27

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FEB 25 2015

AZ CORP COMMISSION  
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IN THE MATTER OF COMMISSION PIPELINE  
SAFETY SECTION STAFF'S COMPLAINT  
AGAINST DESERT GAS, LP FOR VIOLATIONS  
OF COMMISSION RULES.

DOCKET NO. G-20923A-15-0030

PROCEDURAL ORDER

## BY THE COMMISSION:

On February 3, 2015, the Pipeline Safety Section ("Staff") of the Arizona Corporation Commission's ("Commission's") Safety Division filed in this docket a Complaint against Desert Gas, LP ("DG"), alleging multiple violations of Commission rules associated with DG's construction and placement into service of a new methane compressor and associated piping. *Inter alia*, Staff asserted that DG is both a pipeline operator and public service corporation and that DG has violated A.A.C. R14-5-202(B) by failing to qualify welding procedures, by failing to qualify welders, by failing to perform required nondestructive testing during construction, and by failing to perform required nondestructive testing after discovering failed construction welds. The Complaint requests as relief that DG be ordered to cease operating the new methane compressor until nondestructive testing of all welds has been completed and be required to pay monetary fines. Staff requested that a hearing be scheduled on the Complaint.

On February 12, 2015, Staff filed a Notice of Filing Amended Complaint, to clarify that a reference to an Order to Show Cause in the original filing had been included in error.

Also on February 12, 2015, the Commission's Docket Control Center sent a copy of the Formal Complaint to DG by certified mail, with a cover letter instructing DG to respond within 20 days of receipt.

On February 23, 2015, a Notice of Appearance and Request for Extension of Time were filed for DG, identifying Jason D. Gellman as counsel and requesting a 60-day extension of time to answer

1 the Amended Complaint. DG asserts that settlement of this matter is likely and that a 60-day  
2 extension would allow Staff and DG to devote their full attention to negotiating a mutually acceptable  
3 settlement in an efficient matter. DG believes that a settlement could be reached without the need for  
4 an Answer to be filed. DG asserts that its request is made to further administrative efficiency and not  
5 for the purpose of delay. DG also states that it has communicated with Staff regarding its requested  
6 extension, and Staff has no objection thereto.

7 Because DG's requested extension is of reasonable length and made for good cause, and Staff  
8 has no objection to the requested extension, DG's request should be granted.

9 IT IS THEREFORE ORDERED that **DG is hereby granted a 60-day extension of time** to  
10 file an Answer to the Amended Complaint filed in this docket on February 12, 2015.

11 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
12 31, 38, and 42 and A.R.S. §40-243 with respect to practice of law and admission *pro hac vice*.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
14 Communications) applies to this proceeding and shall remain in effect until the Commission's  
15 Decision in this matter is final and non-appealable.

16 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
17 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
18 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
19 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
20 discussion unless counsel has previously been granted permission to withdraw by the Administrative  
21 Law Judge or the Commission.

22 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
23 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
24 hearing.

25 DATED this 25<sup>th</sup> day of February, 2015.

26  
27   
28 SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed  
this 25<sup>th</sup> day of February, 2015 to:

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